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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION EXAMINING OPERATIONS

Appl. No. : 10/695,066  
Applicant : Kenneth Minton  
Filed : October 27, 2003  
Patent No. : 6,969,606  
Issue Date : November 29, 2005  
TC/A.U. : 1744  
Examiner : Redding, David A.

Confirmation No. 6008

**Petitions Attorney: Congo, Cliff**

Docket No. : DES: 1250.0033  
Customer No. : 00152

**REQUEST FOR RECONSIDERATION OF DECISION  
ON APPLICATION FOR PATENT TERM ADJUSTMENT**

601 S.W. 2<sup>nd</sup> Ave., Ste 1600  
Portland, OR 97204  
Tel. 503.227.5631

February 23, 2007

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the captioned Decision mailed February 15, 2007, patentee submits  
the following.

The premise for denying the application is that patentee supposedly did not supply a copy of a USPTO date-stamped post card receipt dated February 7, 2005. But this assertion by the Office is not correct.

Attached as Exhibit A is a true copy of that post card receipt dated February 7, 2005 that was erroneously date stamped by the USPTO on August 30, 2005, or nearly seven months after its mailing. Significantly, the Office failed to notice that a copy of this same post card receipt was attached to the Application for Patent Term Adjustment dated November 22, 2005; a true copy of said Application is attached hereto as Exhibit B, and the Petitions Attorney's attention is directed to page B-7 of that Exhibit.

Reconsideration of patentee's Application for Patent Term Adjustment is therefore respectfully requested, together with a refund of the \$200 Application fee previously paid.

#### DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he is properly authorized to make this Request on behalf of applicant; and all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

A handwritten signature in black ink, appearing to read "Dennis E. Stenzel", written over a horizontal line.

Dennis E. Stenzel  
Of Attorneys for Applicant  
Reg. No. 28,763  
Tel No.: (503) 227-5631

Appl. No. 10/695,066

Patent No. 6,969,606

Request for Reconsideration – Dated February 23, 2007

### **CERTIFICATE OF MAILING**

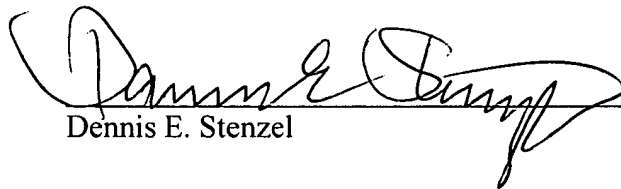
I hereby certify that this Request For Reconsideration Of Decision On

Application For Patent Term Adjustment is being deposited with the United States Postal Service

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2/23/07  
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Dennis E. Stenzel



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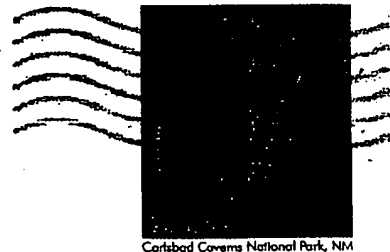
Applicant: : Kenneth L. Minton  
Serial No. : 10/695,066  
Filed : 10/27/03  
Title : LOCKABLE CONTACT PLATE

PML 1250.0033  
DES/sjh  
Date: Feb 7, 05  
7072



NO VA 220

02 SEP 05 PM 2 L



Carlsbad Caverns National Park, NM

**CHERNOFF, VILHAUER, McCLUNG & STENZEL LLP**  
Attorneys at Law  
1600 ODS Tower  
601 S.W. Second Avenue  
Portland, Oregon 97204-3157

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McCLUNG & STENZEL

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION EXAMINING OPERATIONS**

Appl. No.	: 10/695,066	Confirmation No. 6008
Applicant	: Kenneth Minton	
Filed	: October 27, 2003	
Patent No.	: 6,969,606	
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TC/A.U.	: 1744	
Examiner	: Redding, David A.	
Docket No.	: DES: 1250.0033	
Customer No.	: 00152	

**APPLICATION FOR PATENT TERM ADJUSTMENT**

1600 ODS Tower  
601 S.W. Second Avenue  
Portland, OR 97204  
Tel. 503.227.5631

November 22, 2005

Mail Stop Patent Ext.  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.705(b), applicant hereby requests that the term of the above-identified patent be extended by 175 days, and in support thereof shows as follows.

(1) The \$200 fee set forth in §1.18(e) is enclosed herewith. The Director is hereby authorized to charge any additional fees, or credit any overpayment, to Deposit Account

Appl. No. 10/695,066

Patent No. 6,969,606

Application for Patent Term Adjustment dated November 22, 2005

No. 03-1550 and a copy of this paper is enclosed. Because applicant was required to file this Application for Patent Term Adjustment solely due to the Office's error, applicant respectfully requests refund of this fee.

(2) A Notice of Allowance and Issue Fee Due was mailed by the Office on December 14, 2004. Applicant paid the issue fee on February 7, 2005; see the attached copies of executed Form PTOL 85, February 7, 2005 cover letter, postcard receipt, and check No. 69285. The Office generated a Notice of Abandonment dated April 26, 2005. Applicant filed a Petition to Withdraw Holding of Abandonment on May 5, 2005, and a Status Request on August 15, 2005 concerning the status of the Petition. On or about September 2, 2005 the Office mailed applicant's February 7, 2005 return acknowledgement postcard which was erroneously date-stamped as having been received on August 30, 2005 (copy enclosed); this August 30, 2005 date was apparently then erroneously entered into the Office's computerized data as the date the issue fee was paid for this application/patent. On October 21, 2005, the Office mailed a Notice of Rescinded Abandonment (copy enclosed). An undated Issue Notification was received in this office on November 21, 2005, which recited that the Patent Term Adjustment is 0 days (copy enclosed).

Applicant responds to the specific items of information required under §1.705(b)(2) as follows:

- (i) The correct patent term adjustment is 175 days and the basis therefore under §1.702(a)(4) is the failure of the Office to issue the patent not later than four months after the date on which the issue fee was paid and all outstanding requirements were satisfied;

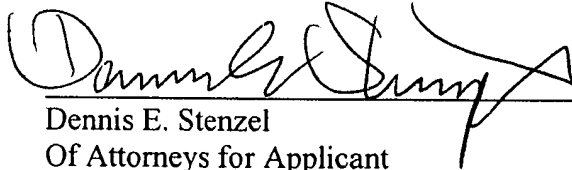
Appl. No. 10/695,066

Patent No. 6,969,606

Application for Patent Term Adjustment dated November 22, 2005

- (ii) Since the issue fee was paid on February 7, 2005, the patent should have issued no later than June 7, 2005, which is four months following payment of the issue fee. Since the patent will actually issue on November 29, 2005, the term should be adjusted by the number of days between June 7, 2005 and November 29, 2005, totaling 175 days;
- (iii) The patent is not subject to a terminal disclaimer; and
- (iv) (B) There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application as set forth in §1.704.

Respectfully submitted,

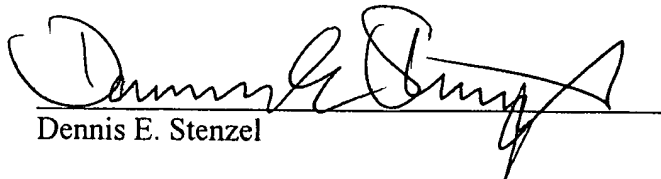


Dennis E. Stenzel  
Of Attorneys for Applicant  
Reg. No. 28,763  
Tel No.: (503) 227-5631

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Mail Stop Patent Ext., Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nov 22 '05  
Date



Dennis E. Stenzel



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LAW OFFICES  
**CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP**

INTELLECTUAL PROPERTY LAW  
INCLUDING PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION MATTERS

1600 ODS TOWER  
601 S.W. SECOND AVENUE  
PORTLAND, OREGON 97204-3157  
TELEPHONE: 503-227-5631  
FAX: 503-228-4373

\* JACOB E. VILHAUER, JR.  
\* DENNIS E. STENZEL  
\* CHARLES D. McCLUNG  
\* DONALD B. HASLETT  
\* J. PETER STAPLES  
\* WILLIAM O. GENY  
\* NANCY J. MORIARTY  
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\* KURT ROHLFS  
\* BRENNAN K. LEGAARD  
\* SCOTT C. KRIEGER\*\*  
\* SUSAN D. PITCHFORD

\* REGISTERED PATENT ATTORNEY  
\*\* MEMBER UTAH AND D.C. BARS

DAVID S. FINE  
SENIOR LAW CLERK

DANIEL P. CHERNOFF  
(1935-1995)

February 7, 2005

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/695,066  
on "LOCKABLE CONTACT PLATE"

Dear Sir:

Enclosed is Form PTOL-85B (Issue Fee Transmittal), in duplicate, a check in the amount of \$1009 for payment of the Issue Fee (\$700 - Small Entity), the Publication Fee (\$300) and three advance copies of the patent (\$9) and a return acknowledgement postcard.

Please address all notices regarding the payment of maintenance fees on the above-identified patent to Chernoff, Vilhauer, McClung & Stenzel at the then current address for payor number 000152.

Respectfully submitted,

Dennis E. Stenzel  
Reg. No. 28,763  
Of Attorneys for Applicants

DES/sjh  
Enclosures

Complete and send this form, together with applicable fee(s), to: **Mail**Mail Stop ISSUE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**COPY**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

000152 7590 12/14/2004

CHERNOFF, VILHAUER, MCCLUNG & STENZEL  
1600 ODS TOWER  
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PORTLAND, OR 97204-3157

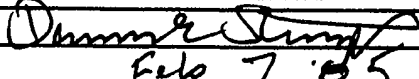
Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

**DENNIS E. STENZEL**

(Depositor's name)



(Signature)

Feb 7 '05

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,066	10/27/2003	Kenneth Minton	DES/1250.0033	6008

TITLE OF INVENTION: LOCKABLE CONTACT PLATE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	03/14/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
REDDING, DAVID A	1744	435-288300

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list **CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP**

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

**PML MICROBIOLOGICALS, INC.****WILSONVILLE, OREGON**Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies 3

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1550 (enclose an extra copy of this form).

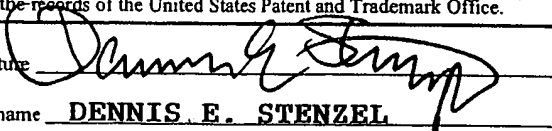
5. Change in Entity Status (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date

Feb 7 '05

Typed or printed name

**DENNIS E. STENZEL**Registration No. 28,763

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**SHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP**

1600 ODS TOWER  
801 S.W. SECOND AVENUE  
PORTLAND, OREGON 97204-3157

EXPLANATION	AMOUNT
Pmc Microbiological	
Pat Appl 5/695,066	
LOCKABLE CONTACT PLATE	
PML 1250.0033	

24-22/1230

69285

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7/05	Director of US Patent & Trademark	Transmittal / Pat. Con. 69285	69285

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Applicant : Kenneth L. Minton  
Serial No. : 10/695,066  
Filed : 10/27/03  
Title : LOCKABLE CONTACT PLATE

PML 1250.0033

DES/sjh

Date:

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Applicant : Kenneth L. Minton  
Serial No. : 10/695,066  
Filed : 10/27/03  
Title : LOCKABLE CONTACT PLATE

PML 1250.0033

DES/sjh

Date: Feb 7.05  
7072



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Carlsbad Caverns National Park, NM

CHERNOFF, VILHAUER, McCLUNG & STENZEL LLP  
Attorneys at Law  
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OCT 25 2005

UNITED STATES PATENT AND TRADEMARK OFFICE CHERNOFF, VILHAUER,  
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OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/695066	10/27/03	MINTON, KENNETH	DES/1250.0033

CHERNOFF, VILHAUER, MCCLUNG & STENZEL  
1600 ODS TOWER  
601 SW SECOND AVENUE  
PORTLAND OR 97204-3157

EXAMINER	
REDDING, DAVID	
ART UNIT	PAPER NUMBER
1744	

DATE MAILED: 10/21/2005

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## NOTICE OF RESCINDED ABANDONMENT

- ☒ In response to your communication filed 5/5/05
- ☒ Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded. The issue fee receipt will be mailed within six weeks.

(17) Nina Motley  
Manager, Publishing Division  
Office of Patent Publication

ALREADY ON DOCKET  
Status check - 12-7-2005

EXHIBIT B  
Page 8 of 10



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,066	11/29/2005	6969606	DES/1250.0033	6008

152 7590 11/09/2005

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NOV 21 2005

CHERNOFF, VILHAUER,  
MCCLUNG & STENZEL

**ISSUE NOTIFICATION**

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Kenneth Minton, West Linn, OR;



CHERNOFF, VILHAUER, MCCUING & STENZEL, LLP  
1600 ODS TOWER  
601 S.W. SECOND AVENUE  
PORTLAND, OREGON 97204-3157

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